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10/616,016

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12/08/2008

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EXAMINER

ADDY, THUAN KNOWLIN

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/616,016 | <b>Applicant(s)</b><br>BECKSTROM ET AL. |  |
|                              | <b>Examiner</b><br>THJUAN K. ADDY    | <b>Art Unit</b><br>2614                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on August 12, 2008 has been entered. Claims 1, 2, 4-8, 10, 13, 19, 21-25, and 27 have been amended. No claims have been cancelled. No claims have been added. Claims 1-27 are still pending in this application, with claims 1, 12, 22, 26, and 27 being independent.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. (US 7,269,253).
3. In regards to claims 1, 12, 22, 26, and 27, Wu discloses a method and apparatus of assigning a call to one of a plurality of agents at least some of which are human agents, such method comprising the steps of: providing a description of the call (e.g., information pertaining to the call, such as the predefined skill required to handle the call) to at least some of the human agents who are available to handle calls and

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allowing the available human agents to bid on handling the call, the description including call associated and contextual information of the call (for example, the call associated and contextual information may simply be the caller record retrieved and/or the call characteristics identified {e.g., specific skills required by the caller in order to handle the call} See Fig. 1); receiving bids to handle the call from the at least some of the available human agents; and assigning the call to a human agent of the plurality of agents with a highest relative received bid (See col. 21 lines 52-62).

4. In regards to claims 2, 13, and 23, Wu discloses the method and apparatus, wherein the description of the call comprises a call target identifier and a client identifier (for example, the call target identifier and a client identifier may simply be the identification of the agent based on the skill(s) required by the caller in order to handle the call) (See Fig. 1 and col. 21 lines 39-62).

5. In regards to claims 3, 10, 14, 21, and 24, Wu discloses the method and apparatus, further comprising rejecting any bid from an agent of the plurality of agents whom does not meet a minimum skill level for the call (See col. 21 lines 52-62).

6. In regards to claims 4 and 15, Wu discloses the method and apparatus, wherein the step of providing the description further comprises displaying the provided information on a terminal display of each available (e.g., skilled) agent of the plurality of agents in a separate call selection window for each call (See col. 21 lines 39-62).

7. In regards to claims 5, 6, 16, 17, and 25, Wu discloses the method and apparatus, further comprising defining the bid as being a numerical value between two

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non-zero limits (for example, the bid may be a commission rate) (See col. 21 lines 39-62).

8. In regards to claims 7 and 18, Wu discloses the method and apparatus, further comprising classifying the call as to media type (for example, the call has a predefined skill requirement) (See col. 21 lines 52-62).

9. In regards to claims 8 and 19, Wu discloses the method and apparatus, further comprising determining an agent average number of calls handled per time period of a call type of the classified call for each agent of the plurality of agents (See col. 21 lines 39-51).

10. In regards claims 9 and 20, Wu discloses the method and apparatus, further comprising calculating a group average of calls handled per time period of the call type of the classified call (See col. 21 lines 39-46).

11. In regards to claim 11, Wu discloses the method, further comprising assigning the call to a default agent (e.g., agent excluded from the bidder pool) of the plurality of agents when an acceptable bid is not received within a predetermined time period (See col. 21 lines 52-62).

***Response to Arguments***

12. Applicant's arguments filed 08/12/08 have been fully considered but they are not persuasive.

13. In response to Applicants' argument that Wu only generally mentions agent big system, but does not disclose providing a description of the calls to the agent for bidding, and that Wu does not disclose use of contextual information, Examiner respectfully disagrees. In regards to claims 1 and 27, Wu discloses providing a description of the call (e.g., information pertaining to the call, such as the predefined skill required to handle the call) to at least some of the human agents who are available to handle calls and allowing the available human agents to bid on handling the call, the description including call associated and contextual information of the call (for example, the call associated and contextual information may simply be the caller record retrieved and/or the call characteristics identified {e.g., specific skills required by the caller in order to handle the call} See Fig. 1) (See col. 21 lines 52-62).

14. In response to Applicants' argument that Wu does not disclose a description presented to the agent including a target and a client identifier, Examiner respectfully disagrees. In regards to claim 2, Wu discloses the description of the call comprising a call target identifier and a client identifier (for example, the call target identifier and a client identifier may simply be the identification of the agent based on the skill(s) required by the caller in order to handle the call) (See Fig. 1 and col. 21 lines 39-62).

15. In response to Applicants' argument that Wu does not disclose a separate call selection window for each call, Examiner respectfully disagrees. In regards to claim 4,

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Wu discloses providing the description further comprises displaying the provided information on a terminal display of each available (e.g., skilled) agent of the plurality of agents in a separate call selection window for each call (See col. 21 lines 39-62).

16. In response to Applicants' argument that Wu does not describe defining the bid as being between two non-zero limits or between 1 and 10, Examiner respectfully disagrees. In regards to claims 5, 16, 17, and 25, Wu does describe defining the bid as being a numerical value between two non-zero limits (for example, the bid may be a commission rate) (See col. 21 lines 39-62).

17. In response to Applicants' argument that Wu does not describe assigning a call to a default agent if no acceptable bids are received within a predetermined time period, Examiner respectfully disagrees. In regards to claim 11, Wu discloses assigning the call to a default agent (e.g., agent excluded from the bidder pool) of the plurality of agents when an acceptable bid is not received within a predetermined time period (See col. 21 lines 52-62).

18. In response to Applicants' argument that Wu does not describe group average calls per unit, rejecting bids based on criteria such as group average or the agent's determined average, or rejecting bids based upon the number of calls handled in a time period exceeding the group average by a threshold amount. In regards to claims 9 and 20, Wu discloses calculating a group average of calls handled per time period of the call type of the classified call (See col. 21 lines 39-51). In regards to claims 10, 21, and 24, Wu discloses rejecting any bid from an agent of the plurality of agents where the agent's determined agent average exceeds a threshold value above the calculated group

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average (for example, the agent is selected based on the best agent for handling the call and/or the number of units sold by a particular agent) (See col. 21 lines 39-51).

### ***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

20. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614